

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

NEXTGEAR CAPITAL, INC. AND	§	
WESTLAKE FLOORING COMPANY, LLC,	§	
	§	
PLAINTIFFS,	§	CIVIL ACTION NO. 3:17-cv-01012-M
	§	
V.	§	
	§	
DEALERS CREDIT EXPRESS, INC.,	§	
	§	
DEFENDANT.	§	

**JOINT REPORT FILED BY PLAINTIFFS AND DEFENDANT PURSUANT TO ORDER  
REQUIRING UPDATE CONCERNING SETTLEMENT**

COMES NOW NEXTGEAR CAPITAL, INC. (“NextGear”) AND WESTLAKE FLOORING COMPANY, LLC (“WFC”), Plaintiffs herein, and Dealers Credit Express, Inc. (“DCE”), Defendant in the above-styled case, and in compliance with the Scheduling Order [Doc. # 23] entered on August 21, 2017, would respectfully show the following:

**JOINT REPORT RELATED TO SETTLEMENT**

1. **Informal Settlement Negotiations.** Prior to the filing of the above-styled lawsuit, counsel for Plaintiff and counsel for DCE conducted phone calls and exchanged e-mails in an attempt to resolve this matter informally, but the negotiations did not lead to a settlement.
2. **Mediation.** After the lawsuit was filed, the parties scheduled and attended an afternoon half-day mediation on August 30, 2017, with mediator Beth Krugler. However, neither the mediation, nor the settlement discussion immediately following the mediation, resulted in a settlement regarding any of the disputed issues.

**Respectfully submitted,**

PADFIELD & STOUT, L.L.P  
421 W. Third Street, Suite 910  
Fort Worth, Texas 76102  
Phone: 817-338-1616  
Fax: 817-338-1610

/s/ Christopher V. Arisco  
Alan B. Padfield  
State Bar I.D.# 00784712  
abp@padfieldstout.com  
Christopher V. Arisco  
State Bar I.D. #24064830  
carisco@padfieldstout.com

*Attorneys for Plaintiffs*

Stevens | Henry, PLLC  
PO Box 3427  
Longview, Texas 75606  
Phone: 903-753-6760  
Fax: 903-753-6761

/s/ Scott E. Stevens  
Scott E. Stevens  
State Bar I.D. # 00792024  
scott@stevenshenry.com  
David P. Henry  
State Bar I.D. # 24027015  
david@stevenshenry.com

*Attorneys for Defendant*